



Allan G. Bense, Speaker

Colleges & Universities Committee Meeting

**March 7, 2006
Reed Hall, 2:00 PM – 4:00 PM**

**Allan G. Bense
Speaker**

**David Mealor
Chair**



Florida House of Representatives

**Allan Bense, Speaker
Colleges & Universities Committee**

**David Mealor
Chair**

**Larry Cretul
Vice Chair**

**Meeting Agenda
Tuesday, March 7, 2006
Reed Hall, 2:00 – 4:00 PM**

I. Convening of Meeting and Call to Order

II. Roll Call

III. Opening Remarks

IV. Consideration of the following bills:

HB 119 Higher Education Finance by Zapata

**HB 741 Florida Center for Solid & Hazardous Waste Management by
Greenstein**

HB 769 University Building Designations by Galvano

HB 795 Student Financial Assistance by Flores

HB 873 Building Designations by Brandenburg

V. Closing Comments / Meeting Adjourned

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 119 Higher Education Finance
SPONSOR(S): Zapata and others
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Colleges & Universities Committee</u>	_____	Hatfield <i>JEH</i>	Tilton <i>BT</i>
2) <u>Education Appropriations Committee</u>	_____	_____	_____
3) <u>Education Council</u>	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This bill proposes changes to higher education finance policies relating to student residency classification for tuition purposes and student eligibility for state financial aid.

The bill revises provisions relating to the determination of a student's residency status for tuition purposes. The bill ties the statutorily-required minimum 12-month residency period to a student's initial enrollment in a Florida postsecondary institution and provides for reclassification as a resident for tuition purposes for students who meet certain criteria. The bill provides that in order to be classified a "dependent child" a student must receive at least 51 percent of the true cost-of-living expenses from his or her parent.

The bill requires institutions of higher education to determine whether or not an admitted applicant is a dependent child and whether or not an admitted Florida resident applicant continues to meet the residency requirements at the time of initial enrollment.

The bill clarifies that dependent children of active duty military families who are stationed near a community college or university in a county contiguous to Florida are eligible for residency for tuition purposes. The bill extends residency status to:

- full-time employees of specified international multilateral organizations based in Florida and their spouses and dependent children; and
- any student, other than a nonimmigrant alien within the meaning of federal law, that has resided in Florida with a parent for at least 3 consecutive years immediately preceding the date the student received a Florida high school diploma or its equivalent and, for at least 3 consecutive school years during such time, has attended a Florida high school.

The bill clarifies that general requirements for student eligibility for state financial aid awards also applies to tuition assistance grants, including the Access to Better Learning and Education Grant. The bill also prohibits a student attending a nonpublic for-profit or nonprofit institution from receiving more than one state award that is a tuition assistance grant during a single semester.

The overall fiscal impact of the bill is indeterminate at this time. See FISCAL COMMENTS for further details.

The bill provides an effective date of July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government—The bill requires postsecondary institutions to affirmatively determine whether a student is a dependent child and whether or not a student granted Florida residency meets the requirements of s. 1009.21, F.S., at the time of initial enrollment. Additional responsibilities and administrative costs may be incurred by postsecondary institutions in order to accomplish these tasks.

Empower Families—The bill expands the categories of students who may be classified as residents for tuition purposes. Those who previously could not afford a postsecondary education may now be eligible for in-state tuition, providing a more affordable education. However, the revised conditions for determining initial enrollment and reclassification may increase the number of students not eligible for residency for tuition purposes, resulting in a more expensive education for others.

B. EFFECT OF PROPOSED CHANGES:

Background

Current law requires students to be classified as residents or nonresidents for the purpose of assessing tuition in community colleges and state universities.¹

Classification as a resident for tuition purposes is also an eligibility criteria for participation in certain financial assistance programs such as the Florida Bright Futures Scholarship Program, the Florida Student Assistance Grant (FSAG) Program, and the Florida Resident Assistance Grant (FRAG) Program. The law further requires that the resident status for purposes of receiving state financial aid awards must be determined in the same manner as resident status for tuition purposes pursuant to s. 1009.21 and rules of the State Board of Education.²

To qualify as a resident for tuition purposes, a student, or the student's parents if the student is a dependent, must have established legal residence in the state and maintained legal residence in the state for at least 12 months immediately prior to the student's qualification. Presence in the state must have been for the purpose of maintaining a bona fide domicile, rather than for the purpose of maintaining a mere temporary residence or abode incident to enrollment in an institution of higher education.

Current law designates certain categories of persons as residents for tuition purposes, such as active duty members of the Armed Services of the U.S. residing or stationed in Florida and their dependents, U.S. citizens living on the Isthmus of Panama who have completed 12 consecutive months of college work at the FSU Panama Canal Branch and their dependents, and active duty members of a foreign nation's military who are serving as liaison officers and are residing or stationed in this state and their dependents.³

Undocumented aliens, with certain exceptions as provided in federal law, may not establish legal residence in the state for tuition purposes because their residency in the state is in violation of federal law, as they have not been properly admitted into the United States.⁴ Undocumented aliens are accordingly classified as nonresidents for tuition purposes. Many of these undocumented aliens attend

¹ Section 1009.21, F.S.

² Section 1009.40, F.S.

³ Section 1009.21(10), F.S.

⁴ Most undocumented aliens, absent a change in federal law or a grant of amnesty, would not qualify for permanent residency.

Florida high schools and obtain a high school diploma or the equivalent, as the state may not bar these individuals from attending elementary, middle, or secondary schools.⁵ Due to the increased cost of attending a public postsecondary institution as a nonresident, these students may not be able to pursue their education at the postsecondary level.

Nonimmigrant aliens, as defined in 8 U.S.C. s. 1101(a)(15), are aliens lawfully admitted into the U.S. but whose duration of stay is set forth in the applicable visa under which admittance is granted. These classes include, among others, foreign diplomats and their dependents, temporary business or tourist visitors, crew of merchant vessels and civil aircraft, and foreign students having *bona fide* residences abroad that they do not intend to abandon. Most nonimmigrant visas, but not all, require the holder of the visa to intend to return to the nonimmigrant's country of residence upon termination of the visa. Students under an F-1 visa or an M-1 visa are required to intend to return to their country of residence. If a nonimmigrant stays beyond the limitations of the visa, the nonimmigrant is no longer lawfully within the U.S. and may be subject to deportation.⁶

OPPAGA Recommendations Regarding Residency for Tuition Determinations

OPPAGA Report No. 03-29⁷ found that although Florida law and rules are intended to enable universities and community colleges to accurately and consistently classify students for in-state and out-of-state residency, the process is substantially flawed. OPPAGA found that institutions were using inconsistent screening criteria and procedures creating the potential for misclassifications and variations in the threshold a student must meet to qualify for residency. OPPAGA identified three costly weaknesses in the current criteria and procedures used in classifying students as residents for tuition purposes:

1. Current law and rules do not provide adequate criteria governing under what specific circumstances students should be reclassified as Florida residents.
2. Current criteria do not adequately specify the determination of students' dependency status.
3. Institutions are applying varying standards for documenting residency.

The report recommends that to improve the residency classification process, the Legislature should amend current law to require that students (or their parents if the students are dependents) must maintain legal residence in the state for at least 12 months immediately prior to the student's initial enrollment or registration at a Florida public postsecondary institution to be eligible for classification for in-state residency. OPPAGA also recommended that Legislature more clearly define when a non-resident student could be eligible for reclassification as a resident.

OPPAGA estimates that institutions could receive an additional \$28.2 million in tuition revenues from out-of-state students if reclassifications were eliminated and these individuals remained enrolled.

Effect of Proposed Changes

The bill revises residency criteria to require that a person reside in-state for 12 months immediately prior to initial enrollment in a postsecondary education program in Florida. The term "initial enrollment" is defined as the first day of classes. A student is eligible to be reclassified from nonresident to resident if the student provides documentation that supports the student's permanent residency in the state such as documentation of permanent full-time employment for a minimum of 12 months or purchase of a home in this state and residence in said home for a minimum of 12 months. If the student is a dependent child, the residency requirements apply to the student's parent. The bill provides that to be

⁵ See *Plyler v. Doe*, 457 U.S. 202, 102 S. Ct. 2382, 72 L.Ed.2d 786 (1982).

⁶ See <http://uscis.gov/graphics/services/tempbenefits/index.htm>, U.S. Citizenship and Immigration Services, Temporary Visitors.

⁷ Report 03-29, OPPAGA Special Review, *Non-Residents Qualify Too Easily for Much Lower Resident Tuition Rates*

classified a "dependent child" one must receive at least 51 percent of the true cost-of-living expenses from his or her parent.

The bill requires institutions of higher education to determine whether or not an admitted applicant is a dependent child and whether or not an admitted Florida resident applicant continues to meet the residency requirements at the time of initial enrollment.

The bill clarifies that dependent children of active duty military families who are stationed near a community college or university in a county contiguous to Florida are eligible for residency for tuition purposes.

The bill updates an obsolete reference to the North American Aerospace Defense Command (NORAD) agreement.

The bill extends the categories of persons that are classified as residents for tuition purposes to include full-time employees of international multilateral organizations based in Florida that are recognized by the U.S. Department of State and their spouses and dependent children. In March 2005, the Director of the Florida Branch of the Office of Foreign Missions indicated that the International Organization for Migration is the only international multilateral organization currently based in Florida. The Office of Foreign Missions is a department within the U.S. Department of State. At that time, it was estimated that there were currently less than ten people who might qualify under this provision of the bill.⁸

The bill also extends the categories of persons that are classified as residents for tuition purposes to include a student, other than a nonimmigrant alien within the meaning of Title 8 U.S.C. § 1101(a)(15), who has resided in Florida with a parent for at least 3 consecutive years immediately preceding the date the student received a Florida high school diploma or its equivalent and, for at least 3 consecutive school years during such time, has attended a Florida high school.

The bill clarifies that general requirements for student eligibility for state financial aid awards also apply to tuition assistance grants, including the Access to Better Learning and Education Grant. The bill also prohibits a student attending a nonpublic for-profit or nonprofit institution from receiving more than one state award that is a tuition assistance grant during a single semester.

C. SECTION DIRECTORY:

Section 1: Amends s. 1009.21, F.S., revising provisions relating to determination of resident status for tuition purposes; revising definitions; tying the qualification period for determining residency to the student's initial enrollment in a postsecondary education program in Florida; providing conditions for reclassification as a resident for tuition purposes; requiring that evidence be provided relating to legal residency and dependent status; providing duties of institutions of higher learning; updating obsolete terminology; and providing additional categories within which students may be classified as residents for tuition purposes.

Section 2: Amends s. 1009.40, F.S., providing general requirements for student eligibility for state financial aid awards and tuition assistance grants; including the Access to Better Learning and Education Grant Program as an eligible tuition assistance program; providing penalties for false statements; and providing that certain students are ineligible to receive more than one state-funded tuition assistance grant.

Section 3: Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

⁸ Florida Department of Education 2005 Legislative Bill Analysis, HB 119, March 1, 2005, at 6.

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See FISCAL COMMENTS section.

2. Expenditures:

See FISCAL COMMENTS section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Students who, in the past, may have been unable to afford a postsecondary education will have expanded educational opportunities if they fall into one of the two new categories within which students may be classified as residents for tuition purposes. However, the revised conditions for determining initial enrollment and reclassification may increase the number of students not eligible for residency for tuition purposes, resulting in a more expensive education for others.

D. FISCAL COMMENTS:

OPPAGA has estimated that if Florida eliminated the reclassification of nonresident students completely, institutions could receive \$28.2 million in additional tuition revenue from nonresidents if these individuals remained enrolled at a Florida public postsecondary institution.⁹

Expanding the categories of students who may be classified as residents for tuition purposes may increase the number of students who enroll in state universities and community colleges because of the reduced cost to such students; therefore, these institutions may experience an increase in tuition and fee revenues. However, to the extent a student may have attended a state university or community college even if classified as an out-of-state student, an institution could experience a loss in tuition and fee revenues. Expanding the categories of students who may be classified as residents for tuition purposes could also result in the state funding more of the cost to provide instruction to such students.

The fiscal impact of the additional two new residency for tuition purposes categories on funding required or award amount for programs such as Bright Futures, FSAG, and FRAG is indeterminate.

The bill requires postsecondary institutions to affirmatively determine whether a student is a dependent child and whether or not a student granted Florida residency meets the requirements of s. 1009.21, F.S., at the time of initial enrollment. Additional responsibilities and administrative costs may be incurred by postsecondary institutions in order to accomplish these tasks.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

The U.S. Constitution provides the Federal Government with preeminent power over the regulation of aliens within the U.S.¹⁰ Any state action that imposes discriminatory burdens upon the entrance or residence of aliens lawfully admitted into the U.S. conflicts with the Supremacy Clause of the U.S. Constitution.¹¹ The bill specifically excludes certain nonimmigrant aliens from meeting eligibility requirements for establishing residency for tuition purposes. In *Toll v. Moreno*,¹² a Maryland statute was struck down on Supremacy Clause concerns when the law categorically prohibited G-4 nonimmigrant aliens from acquiring in-state status for tuition purposes. G-4 nonimmigrant visa holders are not required to have intent to return to their country of residence. Unlike the Maryland law, the bill does not categorically prohibit a nonimmigrant alien from qualifying for residency; it provides only that a nonimmigrant may not qualify under the specific criteria outlined in the bill. There still remains a concern that the bill may be challenged because of the limitation on the ability of lawfully admitted nonimmigrant aliens to obtain in-state tuition status.

The bill authorizes any student to qualify for residency for tuition purposes if the student meets specified criteria. Accordingly, 8 U.S.C. s. 1623, which bars any alien who is unlawfully present in the United States from receiving any postsecondary education benefit on the basis of residence in the state unless a U.S. citizen or national is eligible for such benefit in the same amount, duration, and scope, would not be applicable.

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

The sponsor of the bill plans to offer a strike-all amendment that would make the following changes to the bill:

- Remove the word "exemption" from the catch-line to correct a drafting error.
- Include an affidavit requirement for undocumented students that meet the eligibility requirements for residency for tuition purposes.
- Remove the financial aid section from the bill.

The bill provides that a "dependent child" receive at least 51 percent of the true cost-of-living expenses from his or her parent, as further defined in rules of the State Board of Education. "True cost-of-living expenses" may be problematic terminology as there is no set definition for what expenses this entails.

History of Similar Legislation in other States and the Federal Government

Nine other states have a similar law that provides students, who meet certain criteria, with an in-state tuition classification. These states are: California, Texas, New York, Utah, Washington, Illinois, Oklahoma, Kansas, and New Mexico. The laws differ slightly between the states, as some statutes offer state financial aid benefits along with the tuition classification, while other statutes are purely for tuition purposes. Currently, federal law prohibits illegal immigrant students from receiving federal loans and grants; work-study jobs are also prohibited.

After the Kansas legislation was signed into law in May 2004, a lawsuit was filed in the United States District Court of Kansas¹³ charging that the new law violated the U.S. Constitution's Equal Protection

¹⁰ See *Takahashi v. Fish & Game Commission*, 334 U.S. 410, 418-420, 68 S.Ct. 1138, 1142-1143, 92 L.Ed. 1478 (1948).

¹¹ *Id.*

¹² *Toll v. Moreno*, 458 U.S. 1, 17, 102 S.Ct. 2977, 2986, 73 L.Ed.2d 563 (1982).

¹³ *Day v. Sebelius*, 376 F. Supp.2d 1022 (D. Kan. 2005).

clause of the 14th Amendment¹⁴ and 1996 immigration laws.¹⁵ The lawsuit, the first of its kind, argued that the Kansas statute violated the federal law that prohibits states from giving public benefits to immigrants who are in the country illegally and was discriminatory to out-of-state students who pay a higher tuition rate. The plaintiffs were all students from out of state attending Kansas universities claiming that they had been denied the same in-state tuition benefits afforded to illegal immigrants. On July 5, 2005, the Court held that the students lacked standing under both the federal statute prohibiting states from offering in-state tuition to illegal aliens and the Equal Protection Clause.¹⁶

A lawsuit was filed in California in December 2005, challenging 2001 state legislation that provides students, who meet certain criteria, with an in-state tuition classification. A group of out-of-state students and parents filed the class-action lawsuit against California's public university and community college systems.

A proposal in the U.S. Congress may also affect states that provide in-state tuition without regard to immigration status. The Development, Relief, and Education for Alien Minors (DREAM) Act, was first introduced in 2003 and again introduced in 2004; however, Congress recessed without taking action on the Act. In November 2005, the DREAM Act was introduced as S. 2075, giving new life to the legislation.

The DREAM Act would enact two major changes in current law: eliminate the federal provision that discourages states from providing in-state tuition without regard to immigration status and permit some immigrant students who have grown up in the U.S. to apply for legal status.¹⁷ If passed it would provide illegal immigrants in the U.S. the ability to sustain legal status if they graduated from high school, attended at least two years of college or spent two years in the military, and stayed out of trouble. Those students who live in the U.S. for at least five years would also be eligible for federal financial aid.¹⁸ The DREAM Act would permit qualified students to become temporary legal residents, putting them on a path to permanent legal status.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

¹⁴ U.S. Const. amend. XIV, § 1.

¹⁵ 8 U.S.C. 1621 and 8 U.S.C. 1623

¹⁶ *Day v. Sebelius*, 376 F. Supp.2d 1022, 1040 (D. Kan. 2005).

¹⁷ National Immigration Law Center, *Immigrants' Rights Update: Immigrant Student Adjustment and Access to Higher Education*, Vol. 17, No. 5, September 4, 2003.

¹⁸ Matthew Hansen, *Tuition relief for illegal immigrants?*, Lincoln Journal Star, January 19, 2005.

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A bill to be entitled

An act relating to higher education finance; amending s. 1009.21, F.S.; revising provisions relating to determination of resident status for tuition purposes; revising definitions; providing conditions for reclassification as a resident for tuition purposes; requiring that evidence be provided relating to legal residency and dependent status; providing duties of institutions of higher education; updating obsolete terminology; classifying as residents for tuition purposes certain employees of international multilateral organizations; classifying as residents for tuition purposes certain students who are not permanent residents of the United States; amending s. 1009.40, F.S.; providing general requirements for student eligibility for state financial aid awards and tuition assistance grants; including the Access to Better Learning and Education Grant Program as an eligible tuition assistance program; providing penalties for false statements; providing that certain students are ineligible to receive more than one state-funded tuition assistance grant; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (1), (2), and (3) and paragraphs (b) and (j) of subsection (10) of section 1009.21, Florida Statutes, are amended, and paragraphs (l) and (m) are added to

subsection (10) of that section, to read:

1009.21 Determination of resident status for tuition purposes; exemption.--Students shall be classified as residents or nonresidents for the purpose of assessing tuition in community colleges and state universities.

(1) As used in this section, the term:

(a) ~~The term~~ "Dependent child" means any person, whether or not living with his or her parent, who is eligible to be claimed by his or her parent as a dependent under the federal income tax code and who receives at least 51 percent of the true cost-of-living expenses from his or her parent, as further defined in rules of the State Board of Education.

(b) "Initial enrollment" means the first day of class at an institution of higher education.

(c) ~~(b)~~ ~~The term~~ "Institution of higher education" means any public community college or state university.

(d) ~~(e)~~ A "Legal resident" or "resident" means ~~is~~ a person who has maintained his or her residence in this state for the preceding year, has purchased a home which is occupied by him or her as his or her residence, or has established a domicile in this state pursuant to s. 222.17.

(e) "Nonresident for tuition purposes" means a person who does not qualify for the in-state tuition rate.

(f) ~~(d)~~ ~~The term~~ "Parent" means the natural or adoptive parent or legal guardian of a dependent child.

(g) ~~(e)~~ A "Resident for tuition purposes" means ~~is~~ a person who qualifies as provided in subsection (2) for the in-state tuition rate; ~~a "nonresident for tuition purposes" is a person~~

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~~who does not qualify for the in-state tuition rate.~~

(2)(a) To qualify as a resident for tuition purposes:

1. A person or, if that person is a dependent child, his or her parent or parents must have established legal residence in this state and must have maintained legal residence in this state for at least 12 consecutive months immediately prior to his or her initial enrollment in an institution of higher education ~~qualification~~.

2. Every applicant for admission to an institution of higher education shall be required to make a statement as to his or her length of residence in the state and, further, shall establish that his or her presence or, if the applicant is a dependent child, the presence of his or her parent or parents in the state currently is, and during the requisite 12-month ~~qualifying~~ period was, for the purpose of maintaining a bona fide domicile, rather than for the purpose of maintaining a mere temporary residence or abode incident to enrollment in an institution of higher education.

(b) However, with respect to a dependent child living with an adult relative other than the child's parent, such child may qualify as a resident for tuition purposes if the adult relative is a legal resident who has maintained legal residence in this state for at least 12 consecutive months immediately prior to the child's initial enrollment in an institution of higher education ~~qualification~~, provided the child has resided continuously with such relative for the 5 years immediately prior to the child's initial enrollment ~~qualification~~, during which time the adult relative has exercised day-to-day care,

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85 supervision, and control of the child.

86 (c) The legal residence of a dependent child whose parents
87 are divorced, separated, or otherwise living apart will be
88 deemed to be this state if either parent is a legal resident of
89 this state, regardless of which parent is entitled to claim, and
90 does in fact claim, the minor as a dependent pursuant to federal
91 individual income tax provisions.

92 (d) A person who is classified as a nonresident for
93 tuition purposes may become eligible for reclassification as a
94 resident for tuition purposes if that person or, if that person
95 is a dependent child, his or her parent presents documentation
96 that supports permanent residency in this state rather than
97 temporary residency for the purpose of pursuing an education,
98 such as documentation of full-time permanent employment for the
99 previous 12 months or the purchase of a home in this state and
100 residence therein for the prior 12 months. If a person who is a
101 dependent child and his or her parent move to this state while
102 such child is a high school student and the child graduates from
103 a high school in this state, the child may become eligible for
104 reclassification as a resident for tuition purposes when the
105 parent qualifies for permanent residency.

106 (3)(a) An individual shall not be classified as a resident
107 for tuition purposes and, thus, shall not be eligible to receive
108 the in-state tuition rate until he or she has provided such
109 evidence related to legal residence and its duration or, if that
110 individual is a dependent child, documentation of his or her
111 parent's legal residence and its duration, as well as
112 documentation confirming his or her status as a dependent child,

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113 as ~~may be~~ required by law and by officials of the institution of
114 higher education from which he or she seeks the in-state tuition
115 rate.

116 (b) Each institution of higher education must:

117 1. Determine whether an applicant who has been granted
118 admission to that institution is a dependent child.

119 2. Affirmatively determine that an applicant who has been
120 granted admission to that institution as a Florida resident
121 meets the residency requirements of this section at the time of
122 initial enrollment.

123 (10) The following persons shall be classified as
124 residents for tuition purposes:

125 (b) Active duty members of the Armed Services of the
126 United States, and their spouses and dependent children,
127 ~~dependents~~ attending a public community college or state
128 university within 50 miles of the military establishment where
129 they are stationed, if such military establishment is within a
130 county contiguous to Florida.

131 (j) Active duty members of the Canadian military residing
132 or stationed in this state under the North American Aerospace
133 Defense Command Air Defense (NORAD) agreement, and their spouses
134 and dependent children, attending a community college or state
135 university within 50 miles of the military establishment where
136 they are stationed.

137 (l) Full-time employees of international multilateral
138 organizations based in Florida that are recognized by the United
139 States Department of State and their spouses and dependent
140 children.

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141 (m) A student, other than a nonimmigrant alien within the
142 meaning of 8 U.S.C. s. 1101(a)(15), who has resided in Florida
143 with a parent for at least 3 consecutive years immediately
144 preceding the date the student received a Florida high school
145 diploma or its equivalent and, for at least 3 consecutive school
146 years during such time, has attended a Florida high school
147 recognized by the Department of Education.

148 Section 2. Paragraph (a) of subsection (1) of section
149 1009.40, Florida Statutes, is amended, and subsection (5) is
150 added to that section, to read:

151 1009.40 General requirements for student eligibility for
152 state financial aid awards and tuition assistance grants.--

153 (1)(a) The general requirements for eligibility of
154 students for state financial aid awards and tuition assistance
155 grants consist of the following:

156 1. Achievement of the academic requirements of and
157 acceptance at a state university or community college; a nursing
158 diploma school approved by the Florida Board of Nursing; a
159 Florida college, university, or community college which is
160 accredited by an accrediting agency recognized by the State
161 Board of Education; any Florida institution the credits of which
162 are acceptable for transfer to state universities; any career
163 center; or any private career institution accredited by an
164 accrediting agency recognized by the State Board of Education.

165 2. Residency in this state for no less than 1 year
166 preceding the award of aid or a tuition assistance grant for a
167 program established pursuant to s. 1009.50, s. 1009.51, s.
168 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s. 1009.57, s.

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169 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s. 1009.72, s.
 170 1009.73, s. 1009.76, s. 1009.77, ~~or~~ s. 1009.89, or s. 1009.891.
 171 Residency in this state must be for purposes other than to
 172 obtain an education. Resident status for purposes of receiving
 173 state financial aid awards or tuition assistance grants shall be
 174 determined in the same manner as resident status for tuition
 175 purposes pursuant to s. 1009.21 and rules of the State Board of
 176 Education.

177 3. Submission of certification attesting to the accuracy,
 178 completeness, and correctness of information provided to
 179 demonstrate a student's eligibility to receive state financial
 180 aid awards or tuition assistance grants. Falsification of such
 181 information shall result in the denial of any pending
 182 application and revocation of any award or grant currently held
 183 to the extent that no further payments shall be made.
 184 Additionally, students who knowingly make false statements in
 185 order to receive state financial aid awards or tuition
 186 assistance grants shall be guilty of a misdemeanor of the second
 187 degree subject to the provisions of s. 837.06 and shall be
 188 required to return all state financial aid awards or tuition
 189 assistance grants wrongfully obtained.

190 (5) A student who is attending a nonpublic for-profit or
 191 nonprofit institution is ineligible to receive more than one
 192 state award that is a tuition assistance grant during a single
 193 semester.

194 Section 3. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 741

Florida Center for Solid and Hazardous Waste Management

SPONSOR(S): Greenstein

TIED BILLS:

IDEN./SIM. BILLS: SB 876

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Colleges & Universities Committee</u>		Davis <i>CD</i>	Tilton <i>BT</i>
2) <u>Education Appropriations Committee</u>			
3) <u>Education Council</u>			
4) _____			
5) _____			

SUMMARY ANALYSIS

This bill designates the Florida Center for Solid and Hazardous Waste Management as the Bill Hinkley Center for Solid and Hazardous Waste Management and directs the Department of Education to erect suitable markers acknowledging the designation. The bill provides an effective date of July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

A section-by-section analysis of the bill follows. The biographical information was provided by the sponsor of the proposed designation.

Section 1: The bill designates the Florida Center for Solid and Hazardous Waste Management (FCSHWM) as the Bill Hinkley Center for Solid and Hazardous Waste Management.

The FCSHWM was created by the Legislature in 1988 as a Type I center to coordinate research, training, and service activities related to waste management.¹ The center is responsible for coordinating research efforts at Florida's universities, providing information and technical assistance to government, business, and industry, and fulfilling public needs in the area of waste management.² The center is housed at the University of Florida in Gainesville.

The FCSHWM works closely with 9 universities in an effort to fulfill their two major objectives: 1) to develop and test innovative, low-cost, and environmentally sound methods to manage solid and hazardous waste; and 2) to present research results to public and private sectors to develop practical solutions for waste management problems. The center also has a strong research relationship with the Department of Environmental Protection (DEP).

William W. "Bill" Hinkley was employed at the DEP for almost thirty years, serving most recently as the Chief of the Bureau of Solid and Hazardous Waste. A champion of environmental protection, he was responsible for the drafting and enactment of the 1988 Solid Waste Management Act, the growth of the Florida recycling program, and the development of several regulations governing hazardous waste.

Mr. Hinkley was also involved in several national activities aimed at environmental protection, including the U.S. Environmental Protection Agency, the Energy Research Advisory Board of the U.S. Department of Energy, and the National Recycling Coalition.

For his dedication to environmental protection, Mr. Hinkley earned many awards and recognitions. In 2004, he became an honorary member of the Solid Waste Association of America (SWANA). He also earned such honors as being named the Conservationist of the year by the Florida Wildlife Federation, receiving the Outstanding Contribution Award from SWANA, and receiving a Special Recognition Award from Keep Florida Beautiful, Inc. Mr. Hinkley was also highly regarded among his peers and colleagues, being recognized for Sustained Exemplary Performance in 1999 and being named the DEP Employee of the Year in 2001.

Bill Hinkley passed away on September 12, 2005.

The bill designates the Florida Center for Solid and Hazardous Waste Management as the Bill Hinkley Center for Solid and Hazardous Waste Management.

Section 2: Provides an effective date of July 1, 2006.

¹ s. 1004.47, F.S.

² <http://www.floridacenter.org/about1.htm>, Florida Center for Solid and Hazardous Waste Management, About the Center.

C. SECTION DIRECTORY:

This bill does not create, repeal, or amend any statutory sections. Please refer to EFFECT OF PROPOSED CHANGES for a section by section analysis of the bill.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

Please see FISCAL COMMENTS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

There will be an insignificant impact associated with the Department of Education erecting suitable markers for the name designation.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

This bill does not appear to raise constitutional issues.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill's sponsor has expressed intent to offer an amendment to replace the Department of Education with the Department of Environmental Protection as the entity to erect markers for this designation.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

HB 741

2006

A bill to be entitled

An act relating to the Florida Center for Solid and Hazardous Waste Management; designating the Florida Center for Solid and Hazardous Waste Management as the Bill Hinkley Center for Solid and Hazardous Waste Management; directing the Department of Education to erect suitable markers; providing an effective date.

WHEREAS, efforts to conserve and recycle the natural resources of this state have been well served by the tireless efforts of William "Bill" W. Hinkley throughout his career of public service, and

WHEREAS, Mr. Bill Hinkley has provided leadership, candor, and enthusiasm to the public debate at federal, state, and local levels of government on matters concerning solid and hazardous waste management, and

WHEREAS, the laws in this state governing waste management to protect the public health, safety, and welfare have been directly impacted by the active participation of Mr. Bill Hinkley, and

WHEREAS, Mr. Bill Hinkley has stressed the promotion, importance, and role of science in all his endeavors to help improve the management of solid and hazardous waste, and

WHEREAS, the Florida Center for Solid and Hazardous Waste Management (FCSHWM) was formed in 1988 by action of the Legislature for the purpose of coordinating the research, training, and service activities related to solid and hazardous waste management conducted by state universities, and

HB 741

2006

WHEREAS, the data and information generated by research sponsored by the FCSHWM has been an important factor in decisions made by the Legislature, local governments, and the Department of Environmental Protection, and

WHEREAS, Bill Hinkley has been a key staff member of the Department of Environmental Protection for almost thirty years and has been sought out by many members of the Senate and House of Representatives for his thoughts and advice on a large number of very diverse environmental matters that were the object of a great deal of debate, and

WHEREAS, Bill Hinkley has always provided sound and unbiased information and counsel to many members of the Legislature, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. Bill Hinkley Center for Solid and Hazardous Waste Management designated; Department of Education to erect suitable markers.--

(1) The Florida Center for Solid and Hazardous Waste Management is designated as the "Bill Hinkley Center for Solid and Hazardous Waste Management."

(2) The Department of Education is directed to erect suitable markers designating the Bill Hinkley Center for Solid and Hazardous Waste Management as described in subsection (1).

Section 2. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 769
SPONSOR(S): Galvano
TIED BILLS:

University Building Designations

IDEN./SIM. BILLS: SB 1616

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Colleges & Universities Committee		Davis <i>CD</i>	Tilton <i>BT</i>
2) Governmental Operations Committee			
3) Education Appropriations Committee			
4) Education Council			
5) _____			

SUMMARY ANALYSIS

Current law does not permit a state building, road, bridge, park, recreation complex, or similar facility to be named after a living person unless the name designation is approved by law. Pursuant to this requirement, if a university wishes to name a particular building or facility after a living person, the designation must be approved by the Legislature.

The bill provides the following university building designations at the University of Florida and directs the university to erect suitable markers to reflect the name designations:

- the new Structures and Materials Research Laboratory for the College of Engineering as the Powell Family Structures and Materials Laboratory;
- the Academic Advising Center as Farrior Hall;
- the proposed band rehearsal facility as Steinbrenner Band Hall;
- the proposed termite training facility at the Institute of Food and Agricultural Sciences' Mid-Florida Research and Education Center in Apopka as the Orkin Termite Training Facility;
- the building that will house the Graham Center and other programs as Jim and Alexis Pugh Hall; and
- the Dairy Science Building as the L.E. "Red" Larson Dairy Science Building.

The bill also designates the proposed entrance pavilion at the John and Mable Ringling Museum of Art at the Florida State University Center for Cultural Arts in Sarasota as the John M. McKay Visitors' Pavilion and directs Florida State University to erect suitable markers to reflect this designation.

The bill provides an effective date of July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Section 267.062, F.S., provides that no state building, road, bridge, park, recreational complex, or similar facility can be named after a living person unless approved by law. Therefore, if a university wishes to name a particular building or facility after a living person, the designation must be approved by the Legislature.

A section by section analysis of the bill follows. Biographical information was provided by the sponsor of the proposed designations.

Section 1: The bill designates the new Structures and Materials Researcher Laboratory for the College of Engineering at the University of Florida as the Powell Family Structures and Materials Laboratory and directs the University of Florida to erect suitable markers.

Robert O. Powell and Ann Catherine Powell have a long history with the University of Florida. The couple met at the university while he was in his last year in the College of Engineering and she was pursuing a baccalaureate degree from the College of Education. Both of Mrs. Powell's parents, as well as Mr. Powell's brother and business partner attended the university. The couple's son and daughter-in-law also have degrees from the University of Florida.

Mr. Powell is vice president and secretary of Powell Brothers Barge Terminal, Inc. in Fort Lauderdale. He is a member of the Rotary Club as well as several other organizations. In 1997, Mr. Powell was named a Broward County Gator Club Distinguished Alumnus.

In recognition of her civic efforts, Mrs. Powell earned the Virginia S. Young Award from the Juliette Gordon Low Society. She is also a board member of the Museum of Discovery and Science. Mrs. Powell currently participates in volunteer efforts with the Bonnet House Museum and Gardens and the Cystic Fibrosis Foundation.

The Powells have been members of the University of Florida's President's Council since 1993 and were honorees at the President's Council Weekend in 1993. They recently served in the University Foundation's *It's Performance that Counts* Broward County campaign committee. The couple, along with Steve and Carol Powell, donated \$3 million to help establish Powell Hall, the exhibit and public education facility for the Florida Museum of Natural History, which opened to the public in January 1998.

Section 2: The bill designates the Academic Advising Center at the University of Florida as "Farrior Hall" and directs the University of Florida to erect suitable markers.

J. Rex Farrior, Jr. was president of the Florida Bar in 1975-76. As president of the Florida Bar, he initiated several member-oriented programs, enhanced continuing education, and strengthened the organization's relationship with judicial conferences.

Mr. Farrior passed away on August 22, 1999.

Section 3: The bill designates the proposed band rehearsal facility at the University of Florida as Steinbrenner Band Hall and directs the University of Florida to erect suitable markers.

George Steinbrenner is a longtime Tampa-area Bull Gator and an enthusiast of band music. He played in the marching band at Culver Academy, a military academy in Indiana. In 2000, he and his wife made a substantial donation to Ohio State University, her alma mater, to help build a band center named for her at Ohio Stadium.

Mr. Steinbrenner is the head of the American Shipbuilding Company and the principal owner of the New York Yankees baseball team. He is the founder of the Silver Shield and Gold Shield Foundations, which provide support to families of police officers and firefighters killed in the line of duty. He is currently a member of the University of Florida's President's Council and has also served on the Veterinary Medicine Advisory Council and the University of Florida Foundation Board. He was elected to the UF Athletic Hall of Fame in 1981 and chosen to give the keynote address at the Corporate Leaders Weekend in 1995.

Mr. Steinbrenner made a substantial contribution to the University of Florida for the new band rehearsal facility. In recognition of his donation, the University of Florida Board of Trustees approved the naming of the facility in his honor. The first phase of construction of the facility is scheduled to begin this spring.

Section 4: The bill designates the proposed termite training facility at the University of Florida Institute of Food and Agricultural Sciences' Mid-Florida Research and Education Center in Apopka as the Orkin Termite Training Facility and directs the University of Florida to erect suitable markers.

The O. Wayne Rollins Foundation in Atlanta, GA pledged \$150,000 to the University of Florida's Institute of Food and Agricultural Sciences for the establishment of the Orkin Termite Training Facility at the Mid-Florida Research and Education Center in Apopka. The Florida Department of Agriculture also pledged \$150,000 for the establishment of this center.

The Orkin Termite Training Facility donation has not been linked to a particular person. "Orkin" represents the Orkin, Inc. company and family.

Section 5: The bill designates the building that will house the Bob Graham Center for Public Service and other programs at the University of Florida as Jim and Alexis Pugh Hall and directs the University of Florida to erect suitable markers to read "Pugh Hall."

Jim Pugh earned his baccalaureate degree in building construction from the University of Florida in 1963. Upon graduating from the university, Mr. Pugh served as a U.S. Army Airborne Ranger for three years. He is the owner of Epoch Properties, which is a company that builds hotels, time shares, and rental housing nationwide. Mr. Pugh is also the chairman of Epoch Management, a real estate management firm.

In 2004, Mr. Pugh was recognized as one of the "Most Influential Floridians" by *Florida Trend* magazine and in 2005, the *Orlando Business Journal* named him the "Most Influential Businessman."

Mr. Pugh's dedication to civic service is evidenced by his involvement with the Orlando Utilities Commission, the Orlando-Orange County Expressway Authority, the Greater Orlando Aviation Authority Board, and the Orange County chapter of the UF Alumni Association.

Jim and Alexis Pugh donated \$5 million to the University of Florida College of Liberal Arts and Sciences for the construction of the building that will house the Bob Graham Center for Public Service. The Bob Graham Center is intended to host distinguished scholars, international leaders, and policy makers to help train students at the University of Florida for leadership in public service.

Section 6: The bill designates the Dairy Science Building at the University of Florida as the "L.E. 'Red' Larson Dairy Science Building" and directs the University of Florida to erect suitable markers.

Louis E. "Red" Larson has been a dairy farmer for more than 57 years. At age 81, he is currently the owner and president of Larson Dairy, Inc., in Okeechobee, FL.

In 2005, Mr. Larson earned the Southeastern Farmer of the Year Award at the annual Lancaster-Sunbelt Expo in Moultrie, GA. He has also been elected to the Florida Agricultural Hall of Fame and the Dairy Hall of Fame. In 1999, he was chosen as the Dairyman of the Century and received the Olympian Dairyman Award.

Section 7: The bill designates the proposed entrance pavilion at the John and Mable Ringling Museum of Art at the Florida State University Center for Cultural Arts in Sarasota, FL as the "John M. McKay Visitor's Pavilion" and directs Florida State University to erect suitable markers.

John McKay graduated from Florida State University in 1971. Since then he has dedicated his life to serving Floridians. In 1990 he was elected to the Florida Senate, where he served two consecutive terms. Senator McKay earned several awards for his leadership and service.

Senator McKay was instrumental in passing legislation that established the affiliation between Florida State University and the John and Mable Ringling Museum of Art.

C. SECTION DIRECTORY:

The bill does not create, repeal, or amend any statutory sections. Please refer to EFFECT OF PROPOSED CHANGES for a section-by-section analysis of the bill.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

Please see FISCAL COMMENTS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on local expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

There will be an insignificant impact associated with the universities erecting suitable markers for the name designations.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

The bill does not appear to raise constitutional issues.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Section 267.062, F.S., requires legislative approval to name a building, road, bridge, recreation complex, park, or similar facility after a living person. The designations in sections 2 and 4 of the bill do not name a building after a living person. Section 2 of the bill designates the Academic Advising Center at the University of Florida as "Farrior Hall". However, because Mr. Farrior is deceased, s. 267.062, F.S., does not apply. Section 4 of the bill designates the proposed termite training facility at the University of Florida as the "Orkin Termite Training Facility." "Orkin," however, is not linked directly to a particular person, but rather represents the Orkin, Inc. company and family; therefore, s. 267.062, F.S. does not apply.

The bill's sponsor intends to offer an amendment to remove sections 2 and 4 from the bill.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

HB 769

2006

A bill to be entitled
An act relating to university building designations;
providing for the designation of buildings at the
University of Florida and Florida State University;
directing the universities to erect suitable markers;
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Powell Family Structures and Materials
Laboratory designated; University of Florida to erect suitable
markers.--

(1) The new Structures and Materials Research Laboratory
for the College of Engineering at the University of Florida is
designated as the "Powell Family Structures and Materials
Laboratory."

(2) The University of Florida is directed to erect
suitable markers designating the Powell Family Structures and
Materials Laboratory as described in subsection (1).

Section 2. Farrior Hall designated; University of Florida
to erect suitable markers.--

(1) The Academic Advising Center at the University of
Florida is designated as "Farrior Hall."

(2) The University of Florida is directed to erect
suitable markers designating Farrior Hall as described in
subsection (1).

Section 3. Steinbrenner Band Hall designated; University
of Florida to erect suitable markers.--

HB 769

2006

(1) The proposed band rehearsal facility at the University of Florida is designated as "Steinbrenner Band Hall."

(2) The University of Florida is directed to erect suitable markers designating Steinbrenner Band Hall as described in subsection (1).

Section 4. Orkin Termite Training Facility designated; University of Florida to erect suitable markers.--

(1) The proposed termite training facility at the University of Florida Institute of Food and Agricultural Sciences' Mid-Florida Research and Education Center in Apopka is designated as the "Orkin Termite Training Facility."

(2) The University of Florida is directed to erect suitable markers designating the Orkin Termite Training Facility as described in subsection (1).

Section 5. Jim and Alexis Pugh Hall designated; University of Florida to erect suitable markers.--

(1) The building that will house the Graham Center and other programs at the University of Florida to be built near Newell Hall is designated as "Jim and Alexis Pugh Hall."

(2) The University of Florida is directed to erect suitable markers which shall read "Pugh Hall."

Section 6. L. E. "Red" Larson Dairy Science Building designated; University of Florida to erect suitable markers.--

(1) The Dairy Science Building at the University of Florida is designated as the "L. E. 'Red' Larson Dairy Science Building."

(2) The University of Florida is directed to erect suitable markers which shall read "Larson Hall."

HB 769

2006

57 Section 7. John M. McKay Visitors' Pavilion designated;
58 Florida State University to erect suitable markers.--

59 (1) The proposed entrance pavilion at the John and Mable
60 Ringling Museum of Art at the Florida State University Center
61 for Cultural Arts in Sarasota is designated as the "John M.
62 McKay Visitors' Pavilion."

63 (2) Florida State University is directed to erect suitable
64 markers designating the John M. McKay Visitors' Pavilion as
65 described in subsection (1).

66 Section 8. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 795

Student Financial Assistance

SPONSOR(S): Flores

TIED BILLS:

IDEN./SIM. BILLS: SB 1750

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Colleges & Universities Committee		Hatfield <i>JCH</i>	Tilton <i>BT</i>
2) Education Appropriations Committee			
3) Education Council			
4) _____			
5) _____			

SUMMARY ANALYSIS

On January 11, 2006 Governor Bush announced his Access and Diversity Initiative (Initiative). According to the Governor's January 11th Press Release, the purpose of the Initiative is to provide incentives to traditionally underrepresented students seeking an education in Florida's state university system. The Initiative includes recommendations by the Governor for increased funding for need based financial aid, the creation of a new scholarship program titled the First Generation Matching Grants, and the creation of an Access and Diversity Commission (Commission).

HB 795 creates the First Generation Matching Grants Program (program). The program is created to enable each state university to provide donors with a matching grant incentive for contributions that will create grant-based student financial aid for undergraduate students who demonstrate financial need and whose parents have not earned college degrees. The bill requires applicants to meet certain eligibility requirements in order to receive a grant.

The bill requires appropriated funds for the program to be deposited in the State Student Financial Assistance Trust Fund and requires the Board of Governors to allocate the program's appropriated funds to match private contributions on a dollar-for-dollar basis.

Each participating state university is required to establish an application process, determine student eligibility for initial and renewal awards in conformance with the eligibility requirements each applicant must fulfill, identify the amount awarded to each recipient, and notify recipients of the amount of their awards. The bill also requires an annual report by each participating state university to be submitted to the Board of Governors, the Executive Office of the Governor, the Speaker of the House of Representatives, and the President of the Senate.

The bill requires the Board of Governors to adopt rules to implement this program.

The bill does not currently provide an appropriation for the program. In order to implement the program, this should be addressed in a subsequent committee or in the General Appropriations Act. Please see the FISCAL COMMENTS section of the bill analysis.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government—The bill creates the First Generation Matching Grant Program to provide financial aid to undergraduate students with financial need whose parents have not earned college degrees. In creating this program, the bill provides duties of state universities participating in the program and requires the Board of Governors to adopt rules.

Safeguard individual liberty—The bill provides for grants to be awarded to eligible applicants to cover the annual cost of attendance at a state university. Recipients of this grant have the ability to attend a state university where previously this may not have been possible.

Empower families—The bill provides for grants to be awarded to eligible applicants to cover the annual cost of attendance at a state university. This may benefit families who do not have the financial means to send a family member to college if a family member is awarded a grant under this program.

B. EFFECT OF PROPOSED CHANGES:

Background

On January 11, 2006 Governor Bush announced his Access and Diversity Initiative (Initiative). According to the Governor's January 11th Press Release, the purpose of the Initiative is to provide incentives to traditionally underrepresented students seeking an education in Florida's state university system. The Initiative includes recommendations by the Governor for increased funding for need based financial aid, the creation of a new scholarship program titled the First Generation Matching Grants, and the creation of an Access and Diversity Commission (Commission).

In addition to the announcement of the Initiative, the Governor also signed Executive Order 06-05 creating the 17-member Commission. The Executive Order provides for the Commission to meet in conjunction with the Student Affairs Committee of the Florida Board of Governors to evaluate issues surrounding disadvantaged and traditionally underrepresented students and advocate and make recommendations concerning the following:

- Specific accountability and performance measures regarding traditionally underrepresented and economically disadvantaged students for the Board of Governors and state universities to include in their strategic plans or performance evaluations.
- Need-based financial aid: Enhanced public and private need-based aid and financial assistance and, specifically, increased funding for Florida Student Assistance Grants (FSAG).
 - According to the Governor's Press Release, the Governor plans to recommend a \$35.8 million increase in need-based funding through FSAG and will also recommend an additional \$1.1 million in funding for need-based financial aid at Florida's four Historically Black Colleges and Universities.
- College Board Partnership: Additional funding for the College Board Partnership to expand services that enhance student college readiness for traditionally underrepresented students. Services include AP, PSAT and SAT teacher training; college admission test preparation; SAT preparation; tutoring programs to help students transition into college and family information on colleges.

- According to the Governor's Press Release, the Governor plans to recommend an increase in funding for the state's partnership with the College Board from \$7.1 million to \$10.1 million.
- Stanley Tate Project STARS SCHOLARSHIP Program: Additional funding for the STARS Program, which provides prepaid scholarships for at-risk, low-income students who remain drug and crime-free, stay in school and work with a mentor.
 - According to the Governor's Press Release, the Governor plans to recommend an increase in funding for this program by \$4 million, for a total of \$10 million. These state funds combined with private donations will provide an additional 2,090 scholarships, which pay for tuition at state universities and community colleges.
- College Reach-Out Program (CROP): Increased funding for CROP to provide additional after-school and weekend counseling and tutorial services, to increase participation in AP classes, to provide transportation to classes for dually enrolled students, and to purchase computers to provide increased access to the Florida Virtual School.
 - According to the Governor's Press Release, the Governor will recommend a \$1 million increase in funding for the CROP program. The funding will expand counseling and tutorial services, serving an additional 1,654 individuals, for a total of 10,200 students. It will also help expand after-school and Saturday programs, provide transportation to classes for dually enrolled students and assist in the purchase of computers to provide access to the Florida Virtual School across the 38 CROP postsecondary institutions.
- First Generation Matching Grants: The establishment of this program will provide scholarships to full-time students who are Florida residents, are the first in their families to attend college, and have demonstrated a financial need.
 - According to the Governor's Press Release, this \$6.5 million program will provide a dollar-for-dollar match for private donations to state universities
- University Presidents' Focus on Achievement Mentoring Partnership: Expanding mentoring to target low income middle school students and matching them with local campus compact mentors trained by Volunteer Florida Foundation. The purpose is to encourage economically disadvantaged and traditionally underrepresented students to pursue postsecondary goals and prepare these students for state university enrollment.

Executive Order 06-05 requires the Commission to present a Final Report on its findings and recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Board of Governors by June 30, 2006. At such time the Commission will also disband.

Effect of Proposed Changes

The bill creates the First Generation Matching Grant Program (program), one of the seven initiatives the Governor's Executive Order addressed. The program is created to enable each state university to provide donors with a matching grant incentive for contributions that will create grant-based student financial aid for undergraduate students who demonstrate financial need and whose parents have not earned college degrees.

The bill requires appropriated funds for the program to be deposited in the State Student Financial Assistance Trust Fund. Any undisbursed balance remaining in the Trust Fund and any interest income accruing to the portion of the Trust Fund that is appropriated for the program must remain in the Trust Fund. The increase in total funds must then be available for the program.

The bill requires the Board of Governors to allocate the program's appropriated funds to match private contributions on a dollar-for-dollar basis. Matching funds must be generated through contributions made to a state university after July 1, 2006, and pledged for the purpose of this program. Pledged contributions are not eligible for matching prior to the actual collection of the total funds. The bill further requires the Board of Governors to reserve a proportionate allocation for each state university on the basis of full-time equivalent enrollments. Funds that remain unmatched must be reallocated on the same basis as the original allocation and disbursed to state universities that have remaining unmatched private contributions for the program.

In order to be eligible to receive a grant from this program, the bill requires an applicant to:

- Be a resident for tuition purposes pursuant to s. 1009.21, F.S.
- Be a first-generation college student. For the purposes of this program, a student is considered "first-generation" if neither parent, as defined in s. 1009.21(1), F.S., earned a college degree at the associate level or higher.
- Be accepted at a state university.
- Be enrolled as a full-time, degree-seeking undergraduate student.
- Have demonstrated financial need by completing the Free Application for Federal Student Aid.
- Have applied for a federal Pell Grant. A Pell Grant entitlement must be considered when conducting an assessment of the financial resources available to each student.

The bill requires each participating state university to establish an application process, determine student eligibility for initial and renewal awards in conformance with the eligibility requirements each applicant must meet, identify the amount awarded to each recipient, and notify recipients of the amount of their awards. No award may exceed the annual cost of attendance calculated for comparable undergraduate students attending the institution.

The bill requires each participating state university, no later than July 1 of each year, to report to the Board of Governors, the Executive Office of the Governor, the Speaker of the House of Representatives, and the President of the Senate regarding eligibility requirements for recipients, the aggregate demographics of recipients, retention and graduation rates of recipients, and a delineation of funds awarded to recipients.

The bill provides that payment of the state matching grant is to be transmitted to the president of each participating institution in advance of the registration period.

The bill requires the Board of Governors to adopt rules to implement this program.

The effective date of the bill is July 1, 2006.

C. SECTION DIRECTORY:

Section 1: Creates s. 1009.701, F.S., which creates the First Generation Matching Grant Program to provide financial aid to undergraduate students with financial need whose parents have not earned college degrees; providing for appropriation, allocation, and distribution of funds; providing student eligibility requirements; providing duties of state universities participating in the program; and requiring the Board of Governors to adopt rules.

Section 2: Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

Please see FISCAL COMMENTS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill requires matching funds; therefore, there will be an impact on the private sector as universities will need donations to be made for this program in order to receive any funding from the state.

The bill provides for grants to be awarded to eligible applicants to cover the annual cost of attendance at a state university. Recipients of this grant have the ability to attend a state university where previously this may not have been possible.

D. FISCAL COMMENTS:

The bill does not currently provide an appropriation for the program. In order to implement the program, this should be addressed in a subsequent committee or in the General Appropriations Act.

According to the Governor's January 11, 2006 Press Release, Governor Bush and Lt. Governor Jennings are recommending a total of \$52.4 million in the 2006-07 budget for the Governor's Access and Diversity Initiative. Line item 79 of the Governor's Budget Recommendations for fiscal year 2006-07 provides \$6.5 million from the General Revenue Fund for the First Generation Matching Program created in this bill.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

The bill does not appear to raise constitutional issues.

B. RULE-MAKING AUTHORITY:

The bill requires the Board of Governors to adopt rules to implement the program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

All students who complete the Free Application for Federal Student Aid are automatically reviewed for federal Pell Grant eligibility.¹ Therefore, the eligibility criteria provided in subsection (4)(f) of the bill, requiring an applicant to apply for a federal Pell Grant, is not needed.

¹ See www.collegeboard.com
STORAGE NAME: h0795.CU.doc
DATE: 2/27/2006

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

A bill to be entitled

An act relating to student financial assistance; creating s. 1009.701, F.S.; creating the First Generation Matching Grant Program to provide financial aid to undergraduate students with financial need whose parents have not earned college degrees; providing for appropriation, allocation, and distribution of funds; providing student eligibility requirements; providing duties of state universities participating in the program; requiring the Board of Governors to adopt rules; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 1009.701, Florida Statutes, is created to read:

1009.701 First Generation Matching Grant Program.--

(1) The First Generation Matching Grant Program is created to enable each state university to provide donors with a matching grant incentive for contributions that will create grant-based student financial aid for undergraduate students who demonstrate financial need and neither of whose parents, as defined in s. 1009.21(1), has earned a college degree.

(2) Funds appropriated by the Legislature for the program shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and interest income accruing to the portion of the trust fund that

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28 is appropriated for the program shall remain in the trust fund
29 and increase the total funds available for the program.

30 (3) The amount appropriated to the trust fund for the
31 program shall be allocated by the Board of Governors of the
32 State University System to match private contributions on a
33 dollar-for-dollar basis. Matching funds shall be generated
34 through contributions made to a state university after July 1,
35 2006, and pledged for the purposes of this section. Pledged
36 contributions are not eligible for matching prior to the actual
37 collection of the total funds. The Board of Governors shall
38 reserve a proportionate allocation for each state university on
39 the basis of full-time equivalent enrollments. Funds that remain
40 unmatched shall be reallocated on the same basis as the original
41 allocation and disbursed to state universities that have
42 remaining unmatched private contributions for the program.

43 (4) In order to be eligible to receive a grant pursuant to
44 this section, an applicant shall:

45 (a) Be a resident for tuition purposes pursuant to s.
46 1009.21.

47 (b) Be a first-generation college student. For the
48 purposes of this section, a student is considered "first
49 generation" if neither parent, as defined in s. 1009.21(1),
50 earned a college degree at the associate level or higher.

51 (c) Be accepted at a state university.

52 (d) Be enrolled as a full-time, degree-seeking
53 undergraduate student.

54 (e) Have demonstrated financial need by completing the
55 Free Application for Federal Student Aid.

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56 (f) Have applied for a federal Pell Grant. A Pell Grant
57 entitlement shall be considered when conducting an assessment of
58 the financial resources available to each student.

59 (5) Each participating state university shall establish an
60 application process, determine student eligibility for initial
61 and renewal awards in conformance with subsection (4), identify
62 the amount awarded to each recipient, and notify recipients of
63 the amount of their awards. No award may exceed the annual cost
64 of attendance calculated for comparable undergraduate students
65 attending the institution. No later than July 1, each
66 participating institution shall annually report to the Board of
67 Governors, the Executive Office of the Governor, the Speaker of
68 the House of Representatives, and the President of the Senate
69 regarding eligibility requirements for recipients, the aggregate
70 demographics of recipients, retention and graduation rates of
71 recipients, and a delineation of funds awarded to recipients.

72 (6) Payment of the state matching grant shall be
73 transmitted to the president of each participating institution
74 in advance of the registration period.

75 (7) The Board of Governors shall adopt rules necessary to
76 implement this section.

77 Section 2. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 873
SPONSOR(S): Brandenburg
TIED BILLS:

Building Designations

IDEN./SIM. BILLS: SB 1636

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Colleges & Universities Committee		Davis <i>CD</i>	Tilton <i>BT</i>
2) Education Appropriations Committee			
3) Education Council			
4) _____			
5) _____			

SUMMARY ANALYSIS

Current law does not permit a state building, road, bridge, park, recreation complex, or similar facility to be named after a living person unless the name designation is approved by law. Pursuant to this requirement, if a university wishes to name a particular building or facility after a living person, the designation must be approved by the Legislature.

The bill designates the new alumni center at Florida Atlantic University as the "Marleen and Harold Forkas Alumni Center" and directs Florida Atlantic University to erect suitable markers to reflect this designation.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Section 267.062, F.S. provides that no state building, road, bridge, park, recreational complex, or similar facility can be named after a living person unless approved by law. Therefore, if a university wishes to name a particular building or facility after a living person, the designation must be approved by the Legislature.

A section-by-section analysis of the bill follows. The biographical information was provided by Florida Atlantic University.

Section 1: The bill designates the new alumni center at Florida Atlantic University as the "Marleen and Harold Forkas Alumni Center" and directs Florida Atlantic University to erect suitable markers.

Marleen Forkas was the first woman to graduate from the Fashion Institute of Technology's Management Engineering Division. She went on to build a 40-year career as a designer and manufacturer for leading fashion houses.

Harold Forkas began his career working in the office supply business before moving on to sales and management for the Coca-Cola Company. He later had the opportunity to explore entrepreneurship as a Midas Muffler franchisee; by 1988, he owned eight Midas Muffler dealerships.

Marleen and Harold Forkas have a strong philanthropic background. They are involved in several charitable organizations including the Boca Raton Community Hospital Foundation and the Boca Raton Museum of Art. Their involvement with Florida Atlantic University began in 1997 when the couple began attending performances at Florida Atlantic University's University Center. They became members of the University's Inner Circle of Football Founders, and were behind the university's efforts to establish a football team.

More recently, the couple has turned their philanthropic interests to the efforts of the Florida Atlantic University National Alumni Association, donating \$1 million for the construction of a permanent facility to house the association.

Section 2: The bill will take effect upon becoming law.

C. SECTION DIRECTORY:

This bill does not create, repeal, or amend any statutory sections. Please refer to EFFECT OF PROPOSED CHANGES for a section-by-section analysis of the bill.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

Please see FISCAL COMMENTS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

There will be an insignificant cost associated with the university erecting suitable markers for the name designation.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

This bill does not appear to raise constitutional issues.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

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A bill to be entitled

An act relating to building designations; designating the new alumni center at Florida Atlantic University as the Marleen and Harold Forkas Alumni Center; directing the erection of suitable markers; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Marleen and Harold Forkas Alumni Center; Florida Atlantic University to erect suitable markers.--

(1) The new alumni center at Florida Atlantic University is designated as the "Marleen and Harold Forkas Alumni Center."

(2) Florida Atlantic University is directed to erect suitable markers designating the Marleen and Harold Forkas Alumni Center as described in subsection (1).

Section 2. This act shall take effect upon becoming a law.